

FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CLERK
DISTRICT COURT
NEW JERSEY
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RONALD BARBER

COMPLAINT

(Enter above the full name of the plaintiff in this action)

Sgt. Stasser

Civil Action No. _____
(To be supplied by the Clerk of the court)

Sgt. Dantelle

SC/D - MACIA

SC/D - W. Datz

NURSE - EDITH

NURSE - ROZ

Lt. DAGE

JOHN & JANE DOE - 1-10

(Enter above the full name of the defendant or defendants in
this action)

Suit
Filing IN INDIVIDUAL CAPACITY

Date: 7/23/16

Civil Rights Complaint

1. Jurisdiction is asserted pursuant to:

 X 42 U.S.C. § 1983 (Applies to state prisoners)

 Bivens V. Six Unknown Agents of Fed. Bureau of Narcotics.
 403 U.S. 388 (1971) and 28 U.S.C. Z 1331 (applies to federal prisoners.

If you want to assert jurisdiction under different or additional statutes, list these below:

2. Previously Dismissed Federal Civil Actions or Appeals _____

a) Parties to previous lawsuit: _____

Plaintiff(s): _____

Defendant(s): _____

b) Court and docket number: _____

c) Ground for dismissal: () frivolous () malicious () failure to state a claim upon
which relief may be granted

Civil Rights Complaint

3. Place of Present confinement? EAST JERSEY STATE PRISON - AD-SEG - UNIT - S.T.U.

4. Parties:

a) Name of plaintiff: RONALD BARKER

Address: E.S.P. AD-SEG - UNIT, S.T.U.
8 PRODUCE WAY
APT-905
AVENUE AJS-07001

Inmate #: 000104

b) First defendant - name: Sgt. STASSER

Official position: D.D.C. Sgt. - 1st Shift

Place of employment: E.S.P. - S.T.U. AVEENI NJ.

How is this person involved in this case?

(i.e., What are you alleging that this person did or did not do that violated your constitutional rights?)

ACKNOWLEDGE MY 3RD DEGREE BURNS,
DIS-REGARDED THEM. AND PLACED ME
IN ISOLATION (LOCK UP) FOR 11 1/2 HOURS.

CAUSING THE HOT CHEMICAL TO BURN
THROUGH MY SKIN. AND TELLING THE
UNIT OFFICERS THAT I WAS OK,
WHEN I WASN'T.

Civil Rights Complaint

c) Second defendant - name: Sgt. DANIELLE
Official position: E. 1st Shift Sgt. / D.C.C.
Place of employment: F.J.S.P. - S.T.U.

How is this person involved in this case?

(i.e., What are you alleging that this person did or did not do that violated your constitutional rights?)

HANDCUFFING ME AND PLACING
ME IN LOCK UP. WITHOUT LETTING
THE MEDICAL DEPT KNOW OF MY
BEING SCALDED WITH BOILING HOT
WATER MIXED WITH BLEACH.

CAUSING MY BURNS TO BECOME
WORSE. FROM SITTING IN CELL
FOR 11 1/2 HOURS." NOT GETTING
ANY MEDICAL ATTENTION"

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d) Third defendant - name: SC/D - MACIA

Official position: 100th UNIT CORRECTIONAL OFFICER

Place of employment: E.S.P. - S.I.U.

How is this person involved in this case? (i.e., What are you alleging that this person did or did not do that violated your constitutional rights?)

DIS-REGARDED THE THREATS
THAT WAS MADE ON MY LIFE FROM
ANOTHER RESIDENT.

REFUSED TO DE-ESCALATE
THE INCIDENT AND ACKNOWLEDGE
THIS RESIDENT WALKING BEHIND
ME WITH A HOT SUBSTANCE IN
COUP. AND DID NOTHING UNTIL
IT WAS TOO LATE.

FOURTH DEFENDANT - NAME: SJO-W. Datz
OFFICIAL POSITION: NORTH UNIT
CORRECTIONAL OFFICER
PLACE OF EMPLOYMENT: E.S.P. - S.T.U.

HOW IS THIS PERSON INVOLVED IN
THIS CASE? (i.e. what ARE YOU ALLEGING
THAT THIS PERSON DID OR DID NOT
DO THAT VIOLATED YOUR CONSTITUTIONAL
RIGHTS?)

DIDN'T AND REFUSE TO
DE-ESCALATE A SERIOUS SITUATION.
WHEN THREATS WERE MADE ON
MY LIFE. INSTEAD HE LAUGHED AND
CONTINUED TO WATCH T.V.
UNTIL, THAT RESISTANCE FULFILLED
HIS THREATS, BY CAUSING ME TO
GET 3RD DEGREE BURNS.

Fifth Defendant - NAME: NURSE ENITH
OFFICIAL POSITION: NURSE, AT S.T.U. - 1st shift.
PLACE OF EMPLOYMENT: E.S.P. - S.T.U.

How is this person involved in
this case? (i.e. what ARE you alleging
that this person did or did not
do, that violated your Constitutional
Rights?)

FOR NOT GIVING ME PROPER
MEDICAL ATTENTION. CAUSING MY
BURNS TO ELEVATE TO 3rd DEGREE
BURNS.

Telling S.O.C. that I was
OK, when I WASN'T. AND REFUSED
TO ACKNOWLEDGE THE PAIN I WAS
IN.

SIX DEFENDANT NAME: NURSE ROZ
OFFICIAL POSITION: NURSE - 2ND SHIFT
PLACE OF EMPLOYMENT: E.S.D. - S.T.U.

HOW IS THIS PERSON INVOLVED IN
THIS CASE? (i.e. WHAT ARE YOU ALLEGING
THAT THIS PERSON DID OR DID NOT DO
THAT VIOLATED YOUR CONSTITUTIONAL
RIGHTS?)

OVERLOOKED MY SKIN BUBBLING
UP, WHEN PAIN WAS MADE IN
LOOK UP, AND REFUSED TO WRITE
A REPORT, LETTING THE HIGHER UPS
KNOW OF MY SKIN PEELING OFF.

SEVENTH DEFENDANT NAME: LT. DALE
OFFICIAL POSITION: 1st Shift Lt. D.D.C.
PLACE OF EMPLOYMENT: E.T.S.A. - S.T.U.

HOW IS THIS PERSON INVOLVED
IN THIS CASE? (i.e. what ARE YOU
ALLEGING THAT THIS PERSON DID OR DID
NOT DO THAT VIOLATED YOUR CONSTITUTIONAL
RIGHTS?)

SIGNING OFF AND AUTHORIZING
HIS SONS TO LOCK ME IN A CELL
FOR 11 1/2 HOURS. AFTER I HAVE BEEN
BATTERED SEVERELY.

HAVING NO REGARDS TO MY
CONDITION OR THE PAIN I WAS IN.

Civil Rights Complaint

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page

____ YES ☒ NO

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

BECAUSE I WOULD HAVE BEEN
PLACED IN LOCK UP AGAIN FOR
MAKING COMPLAINTS

Civil Rights Complaint

6. Statement of Claims:

SEE
Attached



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ON 6/28/16, AT 6 PM, I WAS ASSIGNED TO SERVE THE NORTH UNIT BREAKFAST. AS I WAS SERVING, ANOTHER RESIDENT STARTED ARGUING AND THREATENING MY PHYSICAL BEING, BECAUSE I DIDN'T GIVE HIM EXTRA PORTIONS.

THE NORTH UNIT CORRECTION OFFICERS (Sgt - MACIA / Sgt - W. Datz) ACKNOWLEDGED THE INCIDENT, BUT DID NOTHING TOWARDS THESE THREATS TOWARDS MY LIFE AND WELL BEING.

AT 7 PM, 6/28/16, THE RESIDENT (AIFORD) RETURNED AND THREW A EXTREMELY HOT SUBSTANCE ON ME.

I STARTED PULLING MY CLOTHES OFF AND YELLED OUT, THAT RESIDENT AIFORD THREW SOMETHING HOT ON ME.

Sgt - W. Datz (North Unit) THEN CALLED CODE (10-33), KNOWING THAT THE THREAT WAS FULFILLED.

1st Shift Sgt. ~~SHASSER~~ / Sgt. DANIEL CAME TO THE NORTH UNIT, HANDCUFFED ME, TOOK ME TO MEDICAL AND THE NURSE (NURSE - EDDIE) NURSE - EDDIE AND 2nd Shift NURSE - ROZ) OVERLOOKED MY SKIN ~~was~~ BUBBLING.

CAUSING Sgt. ~~SHASSER~~ ^{SHASSER} to place ME IN LOCK UP, ON THE 3rd FLOOR

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with no further medical attention. Even though the nurse (Sgt. [redacted]) was told that the hot substance was scalding hot water, mixed with bleach.

On 6/28/14, at 11:30 a.m. the D.H.S. Program Coordinator (Mrs. J. O'Brien) and Dr. Binkoff (D.H.S. therapist) came to my cell in Lock (South unit) - 3rd Fl. Cell 314.

Saw my physical burns, and made a statement saying, "Oh my God. D.O.C. didn't tell us that it was that bad, then left."

I remained in lock up, cell #314, South unit, for 1 1/2 hours.

no medical attention or anything.

On 6/28/14, at 6 p.m., another resident (Resident Graves) yelled down stairs, telling the South unit officers that I needed to see an outside Dr., because my skin is bubbling up even more.

2nd Shift Sgt. Wheeler, came to the South unit, seen my physical condition, and had me taken out to a street hospital for severe burns.

And the question was asked, *who ordered for this f. man to be placed in lock up, with no

medical attention. And the person
 that order my being placed in lock
 up, is Lt. Doyle, BSAH.
 Courts ruled, you can use the
 law of negligence. Negligence is a
 tort like assault and battery under state
 law.
 If another prisoner assaulted or
 attacked you, prison officials ~~should~~
 should stop or prevent the attack
 from happening. If they do not,
 you can sue them for negligence.
 The Supreme Court held prison staff
~~can~~ show deliberate indifference when
 they fail to take reasonable safeguards
 despite their actual knowledge of an
 excessive or substantial risk to a
 prisoner safety. If you were assaulted
 by a prisoner and believe prison
 officials deliberate indifference allowed
 the assault to happen, you will have
 to prove, the prison officials did
 "nothing" to prevent the assault.
 Court have mainly applied the
 deliberate indifference standard cases
 where a prison officials does not
 prevent a prisoner from assaulting
 another prisoner. Deliberate indifference
 lawsuits are also known as "Failure
 to protect (FIP)" ~~cases~~
 on 6/28/16, at 6:49 pm, I was
 admitted to into Robert Wood Johnson

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Hospital, in Rahway, N.J.

The MEDICAL DRs THERE SAW THE SEVERITY OF MY BURNS.

AND HAD ME RE-TRANSFERRED TO SAINT BARNABAS HOSPITAL, FOR THE SEVERE BURNED.

2:30am ³⁰ ~~2~~ ² ~~PM~~ I WAS ADMITTED ON 6/29/16, BY DR. MICHAEL MARANO, I WAS TOLD THAT I HAVE 3RD DEGREE BURNS ON MY FACE, NECK, CHEEK AND BACK.

I WAS PLACED IN ROOM #2118, THE BURNS THAT WAS INFLICTED UPON ME, BY RES. AIFORD,

ARE 2ND AND 3RD DEGREE BURNS. CAUSING ME TO BE PLACED IN A HYDRO-THERAPY TANK, FOR SERIOUS BURNS.

BEING PLACED ON A MEDICATION CALLED "OXYCODONE" FOR PAIN, EVERY 4 HOURS.

ON 7/14/16, AT 8³⁰ AM, I WAS RETURNED BACK TO THE S.T.U. AS PER THE D.H.S. ADMINISTRATOR (MERRILL MARR) AND A.D.C. SUP. (SHERY LINTES)

WHICH THIS FACILITY HAS NO MEDICAL STAFF, WHO IS TRAINED TO TAKE CARE OR DRESS 3RD DEGREE BURNS.

SAINT BARNABAS BURN UNIT PRESCRIBED ME (OXYCODONE) FOR MY PAIN. BUT THE MEDICAL UNIT, TOOK ME

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OFF AND PUT ME ON TYLENOL 3, FOR MY PAIN. TELLING ME THAT IT'S NOT IN THEIR BUDGET TO SUPPLY ME WITH MY PROPER PRESCRIBED MEDICATION.

MY BANDAGES, WASN'T CHANGE FOR A WEEK. AND WHEN I ASKED THE UNIT CORRECTION OFFICERS, CAN I GO TO THE INDEPENDENCE HOSPITAL ON 7/22/16, AT 7^{PM}. I WAS TOLD, THAT THERE'S NO 1ST SHIFT NURSES IN YET?

AND THEN I WAS TOLD BY CORRECTION THAT I CAN'T GO OUTSIDE, BECAUSE MY WOUNDS (BURNS) IS FAR FROM BEING HEALED.

ALSO, THESE CORRECTION OFFICERS (S/O-W. Datz / S/O-MACIA) SEEN THIS INCIDENT ESCALATING TO A SERIOUS LEVEL. AND DONE NOTHING TO DE-ESCALATE THE SITUATION. "UNTIL IT WAS TOO LATE."

*** A RECENT COURT OF APPEALS' DECISION IN THOMAS v CUMBERLAND CTY, 749 F.3d 217 (3rd CIR. 2014) SUPPORTS THIS CONCLUSION.

THERE, A PRISONER FILED A \$ 1983 SUIT BASED ON HIS BEING ATTACKED BY OTHER INMATES.

"THE ATTACK OCCURRED AFTER A SEVERAL-MINUTE LONG VERBAL ARGUMENT BETWEEN THE PRISONERS IN THE PRESENCE OF CORRECTION OFFICERS. WHO COULD TELL THAT AN ASSAULT WAS IMMINENT" BUT DID NOT INTERFERE UNTIL THE PRISONER SUFFERED AN INJURY. THE PRISONER ASSERTED THAT THE MUNICIPALITY AND POLICYMAKERS AT THE PRISON WERE LIABLE

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FOR HIS INJURIES IN LIGHT OF THEIR FAILURE TO TRAIN CORRECTION OFFICERS IN CONFLICT DE-ESCALATION AND INTERVENTION TECHNIQUES.

THE COURT FOCUSED ON THE SUFFICIENCY OF THE CAUSAL LINK BETWEEN THE OFFICERS FAILURE TO TAKE REASONABLE MEASURES TO PROTECT THE PRISONER

AND THE MUNICIPALITY AND SUPERVISORY OFFICIALS ADMINISTRATIVE DECISIONS THAT LED TO "FAILURE TO PROVIDE PRE-SERVICE TRAINING ON CONFLICT DE-ESCALATION AND INTERVENTION."

ON 7/22/16, AT 8 AM, I WAS TAKEN BACK TO SAINT BARUMBAS BURN UNIT FOR DRESSING CHANGE AND THERAPY. I BROUGHT IT TO THE DOCTOR (DR. MARANO) ATTENTION THAT THE FACILITY (S.T.U.-E.T.S.P.-NO-SEG-UNIT) TOOK ME OFF OF MY PAIN MEDS AND DIDNT CHANGE MY DRESSING FOR A WEEK.

BECAUSE IT'S NOT IN THEIR BUDGET TO PAY FOR MY PAIN MEDICATION.

AND MY NIGHTS ARE RESTLESS, DUE TO THE PAIN I BE IN.

WHEN I RETURNED BACK TO THE S.T.U. "I QUESTIONED AGAIN, ABOUT CAN I GET MY PRESCRIBED MEDICATION FOR MY PAIN.

AND WAS AGAIN TOLD BY THE MEDICAL STAFF, THAT THEY (S.T.U.) TOOK ME OFF, LEAVING ME TO INQUIRE THIS

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BURNING PAIN IN MY FACE, SHOULDERS
CHEST AND BACK.

~~NO~~ COURTS RULED, THAT WHEN A
PRESCRIBED MEDICAL TREATMENT IS DENIED,
REDUCED OR CHANGED FOR NON-MEDICAL
REASONS, INCLUDING FINANCIAL,
ADMINISTRATIVE OR LOGICAL, THE DENIED,
REDUCED OR CHANGED TREATMENT SUGGESTS
AN ACT OF DELIBERATE INDIFFERENCE. ~~NO~~

Civil Rights Complaint

7. Relief

(State briefly exactly what you want the court to do for you. Make no legal argument. Cite no cases or statutes.)

I would like the courts to grant me the following injunctions.

A.) TO BE COMPENSATED FOR THE MENTAL PAIN & ~~SO~~ PHYSICAL PAIN THAT I AM ENDURING, DUE TO BEING LOCKED IN CELL FOR 11 1/2 HRS.

B.) TO BE TRANSFERRED TO A FEDERALLY FUNDED FACILITY.

C.) TO HAVE A COURT MARSHAL ASSIGNED TO OVERSEE THE FOLLOWING INJUNCTIONS & RELIEF,

Civil Rights Complaint

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial

☐ Non-Jury Trial

I declare under penalty of perjury that the forgoing is true and correct to my knowledge, And would not knowingly or willfully give faults information to the court.

Signed this 23 day of July, 2016

[Signature]
Signature of Plaintiff.

_____.

EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, (EACH) PLAINTIFF MUST SIGN THE COMPLAINT.